

**Remarks**

Claims 1 - 19 have been rejected under 35 U.S.C. § 103(a) as being obvious over US Patent No. 6,601,101 (Lee *et al.*), hereinafter "Lee", in view of US Patent No. 5,922,077 (Espy *et al.*), hereinafter "Espy". Applicant respectfully disagrees.

The present invention comprises a method by which a second system maintains connections for a failed first system. The second system receives ownership information from the first system on which an application is running. When a failed state is detected in the first system, the second system assumes the connection for the first system.

Lee does not suggest or teach the system as presently claimed. Lee discloses a method for handing off TCP sessions in a system including a client in communication with a switch and two or more devices.

This method includes determining in the first device that a handoff should take place, identifying a second device to take over the session, sending handoff messages to and receiving an acknowledgment from the second device, and reporting the handoff to and receiving an acknowledgment from the switch.

Col. 3, lines 35 – 41. Lee, therefore, sends handoff messages from the first device to the second device only after a determination has been made that a handoff should take place. See FIG. 3 and col. 6, line 61 – col. 8, line 8 (discussing the sequence of operation for accomplishing a handoff). These handoff messages include information that is received from the switch upon initiation of the connection between the first system and a client (state information). The handoff messages disclosed in Lee do not suggest or teach the ownership information of the present invention. As stated on page 3, line 29 – page 4, line 2 of the present invention,

[t]he state of the TCP connection, i.e., data in the window, the acknowledgment and sequence numbers, the local and foreign port number and IP address etc., is actively captured by the systems that are part of the permanency set. The state transfer is achieved by all of the members of the permanency set that are merely listening to the data transfer on the connection. Thus there is no need or attempt to actively transfer the state between systems.

As clearly indicated in the above-referenced portion of the present invention, the ownership information of the present invention is not the state or application information taught by Lee. Any ownership information that may be present in the Lee system is stored and utilized only by the switch, such that any applications are subsequently forwarded to the second system instead of

the first system. Accordingly, Lee does not suggest or teach the transfer of ownership information at all.

Also, as clearly stated in the portions cited above, as well as those portions cited by the Examiner, Lee does not suggest or teach that any information is received by the second system prior to a determination that the first system is in a failed state. Contrary to Lee, the present invention receives ownership information at the second system from the first system prior to the detection of a failed state in the first system. This is clearly stated on page 5, lines 4 – 24, which reads in part :

[a]fter startup, each server broadcasts ownership information to the other servers in the cluster . . .

The delivery of this information allows the second system to snoop the connections of the first system. The second system in Lee only communicates with the first system after the first system detects that a handoff is necessary.

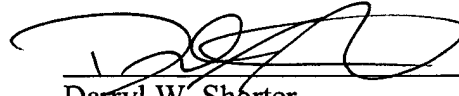
For the reasons stated above, Lee in combination with Espy does not suggest or teach the system as presently claimed. As the Examiner explicitly states, Espy is cited simply as teaching a recovery and fail-over method having plurality of device [sic] connected via communication paths . . .

Espy does not disclose the receiving of ownership information at the second system from the first system, as claimed in the present invention. Therefore, neither Lee, nor Espy, alone or in combination with each other, suggest or teach the system as presently claimed. Accordingly, claims 1 – 19 are not obvious over Lee, in view of Espy.

It is respectfully submitted that claims 1 – 19 are in condition for allowance. Accordingly, Applicant respectfully requests that the 35 USC § 103 rejection be withdrawn, and allowance granted at the earliest date possible. Should the Examiner have any questions or comments regarding Applicant's amendments or response, the Examiner is asked to contact Applicant's undersigned representative at (215) 575-7194.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0979.

Respectfully submitted,



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